

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SKANSKA USA BUILDING INC.,

Plaintiff,

-against-

REGENERON PHARMACEUTICALS INC.,
and SHAWN'S LAWNS INC.,

Defendants.

ORDER

23-CV-08418(PMH)

PHILIP M. HALPERN, United States District Judge:

A pre-motion conference was held on November 25, 2024, concerning Defendant Regeneron's anticipated motion to strike paragraphs 195-211 and 304-305 in the First Amended Complaint (the "Disputed Allegations") pursuant to Federal Rule of Civil Procedure 12(f). Counsel for all parties appeared. The Court construed Defendant Regeneron's pre-motion letter (Doc. 61) as its motion to strike, Plaintiff's response letter (Doc. 60) as its opposition, and considering the parties' arguments made in their joint letter (Doc. 75) and at the conference, granted the motion to strike. (*See Transcript*); *see In re Best Payphones, Inc.*, 450 F. App'x 8, 15 (2d Cir. 2011) (finding the Court did not abuse its discretion in construing the parties' letter-motions as the motions themselves, and ruling on them). Plaintiff shall, by **December 2, 2024**, file a Second Amended Complaint which only eliminates the Disputed Allegations. Defendants Regeneron and Shawn's Lawns Inc. shall, by **December 9, 2024**, each file an amended answer which only eliminates their responses to the Disputed Allegations.

Dated: White Plains, New York
November 25, 2024

SO ORDERED:



Philip M. Halpern
United States District Judge